

2013 DRAFTING REQUEST

Assembly Amendment (AA-AB493)

Received: 11/14/2013 Received By: jkuesel
Wanted: Today Same as LRB:
For: Jill Billings (608) 266-5780 By/Representing: Chris McKinny
May Contact: Drafter: jkuesel
Subject: Elections - miscellaneous Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Rep.Billings@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Absentee voters who vote by mail exempt from providing IDs

Instructions:

Per LRB11a0904/1.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkuesel 11/14/2013	evinz 11/14/2013		_____			
/1			jmurphy 11/14/2013	_____	srose 11/14/2013	srose 11/14/2013	

FE Sent For:

<END>

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12/1	jkuesel 11/14/13	Teer 11/14	Teer 11/14	_____			

FE Sent For:

<END>



State of Wisconsin
2011 – 2012 LEGISLATURE



LRBa0904/1
JTK:cjs:rs

**ASSEMBLY AMENDMENT 16,
TO ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO 2011 ASSEMBLY BILL 7**

May 11, 2011 – Offered by Representatives ROYS, YOUNG, KRUSICK, HEBL and E. COGGS.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 15, line 20: delete the material beginning with “Unless” and ending
3 with “clerk.” on page 16, line 3.

4 **2.** Page 36, line 7: delete the material beginning with “. The agent” and ending
5 with “elector.” on line 13 and substitute “..”.

6 **3.** Page 38, line 6: delete the material beginning with that line and ending with
7 page 39, line 2.

8 **4.** Page 39, line 13: delete the material beginning with “elector” and ending
9 with “3.” on line 14 and substitute “elector.”.

10 **5.** Page 41, line 20: delete the material beginning with that line and ending
11 with page 44, line 21.

1 **6.** Page 49, line 15: delete the material beginning with “In” and ending with
2 “envelope.” on line 22 and substitute “No elector who votes at the home, facility, or
3 complex with the assistance of the deputies is required to present proof of
4 identification.”.

5 **7.** Page 49, line 24: delete the material beginning with “, the” and ending with
6 “subdivision.” on page 50, line 1.

7 **8.** Page 51, line 8: delete the material beginning with that line and ending with
8 page 52, line 8.

9 **9.** Page 53, line 22: delete the material beginning with “If” and ending with
10 “The inspectors” on page 54, line 3, and substitute “The inspectors”.

11 **10.** Page 55, line 18: delete the material beginning with that line and ending
12 with page 56, line 13.

13 **11.** Page 56, line 24: delete “or a copy thereof”.

14 **12.** Page 56, line 25: delete “, 6.86 (1) (ar), or 6.87 (4) (b) 1.” and substitute “or
15 6.86 (1) (ar)”.

16 **13.** Page 57, line 1: delete “or copy thereof”.

17 **14.** Page 57, line 13: delete the material beginning with “or a” and ending with
18 “1.” on line 14 and substitute “under s. 6.79 (2) or 6.86 (1) (ar)”.

19 **15.** Page 57, line 15: delete the material beginning with “or” and ending with
20 “thereof” on page 57, line 16.

21 **16.** Page 57, line 25: delete the material beginning with that line and ending
22 with page 58, line 3, and substitute “identification is required under s. 6.79 (2) or 6.86
23 (1) (ar) shall not be counted unless the municipal clerk or executive director of the

1 board of election commissioners provides timely notification that the elector has
2 provided proof of identification under this section.”.

3 **17.** Page 58, line 12: delete “(a), 6.86 (1) (ar), or 6.87 (4) (b) 1.” and substitute
4 “(a) or 6.86 (1) (ar),”.

5 **18.** Page 59, line 8: delete the material beginning with that line and ending
6 with page 60, line 8.

7 **19.** Page 76, line 13: delete the material beginning with “and (3)” and ending
8 with “ (3) (b)” on line 14 and substitute “, 6.87 (2), and 6.97 (1) and (3) (b)”.

9 (END)



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-2145/1

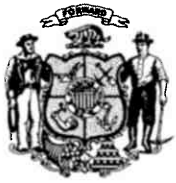
JTK:kjf:rs

2011 BILL

1 AN ACT *to repeal* 6.87 (4) (a) and 6.87 (4) (b) 2. to 5.; *to renumber and amend*
2 6.87 (4) (b) 1.; *to amend* 6.18, 6.86 (3) (a) 1., 6.869, 6.87 (1), 6.87 (2), 6.875 (6)
3 (c) 1., 6.88 (3) (a), 6.965, 6.97 (2), 6.97 (3) (a), 6.97 (3) (b), 6.97 (3) (c), 7.08 (12)
4 and 7.52 (3) (a) of the statutes; and *to affect* 2011 Wisconsin Act 23, section 144
5 (2); **relating to:** deletion of the requirement for absentee voters who vote by
6 mail to provide proof of identification.

Analysis by the Legislative Reference Bureau

Currently, with certain exceptions, an individual who votes in an election must present proof of identification in order to vote. The proof may consist of one of a number of documents specified by law that contains the name of the individual to whom the document was issued, which name conforms to the individual's voter registration, if the individual is registered to vote, and, with limited exceptions, that contains a photograph of the individual. With certain exceptions, an individual who casts an absentee ballot by mail must enclose a copy of his or her proof of identification in the envelope containing his or her ballot. If the individual fails to do so, the individual's ballot is treated as provisional and is not counted unless the individual provides proof of identification to the municipal clerk or board of election commissioners of the municipality where he or she resides by 4 p.m. on the Friday after the election.



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBa12477
JTK.....

THU 11/14 ÷ 4:30 PM

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

ASSEMBLY AMENDMENT,
TO ASSEMBLY BILL 493

PWF

1 At the locations indicated, amend the bill as follows:

2

(END)

BILL

This bill ~~deletes the requirement for an individual who casts an absentee ballot by mail to enclose a copy of his or her proof of identification with his or her ballot.~~

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Page 2, line 3 - after that line insert
 227 ① SECTION 1. 6.18 of the statutes, as affected by 2011 Wisconsin Act 23, is
 2 amended to read:

227 ① **6.18 Former residents.** If ineligible to qualify as an elector in the state to
 2 which the elector has moved, any former qualified Wisconsin elector may vote an
 3 absentee ballot in the ward of the elector's prior residence in any presidential election
 4 occurring within 24 months after leaving Wisconsin by requesting an application
 5 form and returning it, properly executed, to the municipal clerk of the elector's prior
 6 Wisconsin residence. When requesting an application form for an absentee ballot,
 7 the applicant shall specify the applicant's eligibility for only the presidential ballot.
 8 Unless application is made under s. 6.86 (1) (ac), or the applicant is exempted from
 9 providing proof of identification under s. 6.87 (4) (b) 2. or 3., or the applicant is a
 10 military or overseas elector, the elector shall enclose a copy of his or her proof of
 11 identification or any authorized substitute document with his or her application.
 12 The municipal clerk shall verify that the name on the proof of identification conforms
 13 to the name on the application. The clerk shall not issue a ballot to an elector who
 14 is required to enclose a copy of proof of identification or an authorized substitute
 15 document with his or her application unless the copy is enclosed and the proof is
 16 verified by the clerk. The application form shall require the following information
 17 and be in substantially the following form:

20 This form shall be returned to the municipal clerk's office. Application must be
 21 received in sufficient time for ballots to be mailed and returned prior to any

BILL

1 presidential election at which applicant wishes to vote. Complete all statements in
2 full.

3 APPLICATION FOR PRESIDENTIAL

4 ELECTOR'S ABSENTEE BALLOT

5 (To be voted at the Presidential Election

6 on November, (year)

7 I, hereby swear or affirm that I am a citizen of the United States, formerly
8 residing at in the ward aldermanic district (city, town, village) of, County
9 of for 28 consecutive days prior to leaving the State of Wisconsin. I, do solemnly
10 swear or affirm that I do not qualify to register or vote under the laws of the State
11 of (State you now reside in) where I am presently residing. A citizen must be a
12 resident of: State (Insert time) County (Insert time) City, Town or Village
13 (Insert time), in order to be eligible to register or vote therein. I further swear or
14 affirm that my legal residence was established in the State of (the State where you
15 now reside) on Month Day Year.

16 Signed

17 Address (Present address)

18 (City) (State)

19 Subscribed and sworn to before me this day of (year)

20 (Notary Public, or other officer authorized to administer oaths.)

21 (County)

22 My Commission expires

23 MAIL BALLOT TO:

24 NAME

25 ADDRESS

BILL

SECTION 1

CITY STATE ZIP CODE

Penalties for Violations. Whoever swears falsely to any absent elector affidavit under this section may be fined not more than \$1,000 or imprisoned for not more than 6 months or both. Whoever intentionally votes more than once in an election may be fined not more than \$10,000 or imprisoned for not more than 3 years and 6 months or both.

....(Municipal Clerk)

....(Municipality) "

Page 4, line 25: after that line insert.

SECTION 2. 6.86 (3) (a) 1. of the statutes, as affected by 2011 Wisconsin Act 23, is amended to read:

6.86 (3) (a) 1. Any elector who is registered and who is hospitalized, may apply for and obtain an official ballot by agent. The agent may apply for and obtain a ballot for the hospitalized absent elector by presenting a form prescribed by the board and containing the required information supplied by the hospitalized elector and signed by that elector, unless the elector is unable to sign due to physical disability. In this case, the elector may authorize another elector to sign on his or her behalf. Any elector signing an application on another elector's behalf shall attest to a statement that the application is made on request and by authorization of the named elector, who is unable to sign the application due to physical disability. The agent shall present this statement along with all other information required under this subdivision. Except as authorized for an elector who has a confidential listing under s. 6.47 (2) or as authorized under s. 6.87 (4) (b) 4., the agent shall present any proof of identification required under sub. (1) (ar) and s. 6.87 (4) (b) 1. The form shall include a space for the municipal clerk or deputy clerk to enter his or her initials

BILL

1 indicating that the agent presented proof of identification to the clerk on behalf of the
2 elector.

3 SECTION ~~B.~~ 6.869 of the statutes, ~~as affected by 2011 Wisconsin Act 23,~~ is
4 amended to read:

5 **6.869 Uniform Instructions.** The board shall prescribe uniform instructions
6 for municipalities to provide to absentee electors. The instructions shall include
7 information concerning whether proof of identification is required to be presented or
8 enclosed under s. 6.86 (1) (ar) or 6.87 (4) (b) 1. The instructions also shall include
9 information concerning the procedure for correcting errors in marking a ballot and
10 obtaining a replacement for a spoiled ballot. The procedure shall, to the extent
11 possible, respect the privacy of each elector and preserve the confidentiality of each
12 elector's vote.

13 SECTION ~~A.~~ 6.87 (1) of the statutes, ~~as affected by 2011 Wisconsin Act 29,~~ is
14 amended to read:

15 **6.87 (1)** Upon proper request made within the period prescribed in s. 6.86, the
16 municipal clerk or a deputy clerk authorized by the municipal clerk shall write on
17 the official ballot, in the space for official endorsement, the clerk's initials and official
18 title. ~~Unless application is made under s. 6.86 (1) (ac) or in person under s. 6.86 (1)~~
19 ~~(ar), the absent elector is exempted from providing proof of identification under sub.~~
20 ~~(4) (b) 2. or 3., or the applicant is a military or overseas elector, the absent elector shall~~
21 ~~enclose a copy of his or her proof of identification or any authorized substitute~~
22 ~~document with his or her application. The municipal clerk shall verify that the name~~
23 ~~on the proof of identification conforms to the name on the application. The clerk shall~~
24 ~~not issue an absentee ballot to an elector who is required to enclose a copy of proof~~

Ins 5-15

BILL

SECTION 4

1 ~~of identification or an authorized substitute document with his or her application~~
2 ~~unless the copy is enclosed and the proof is verified by the clerk.~~

3 SECTION 5. 6.87 (2) of the statutes, as affected by 2011 Wisconsin Act 23, is
4 amended to read: **Ins 6-5**

5 6.87 (2) Except as authorized under sub. (3) (d), the municipal clerk shall place
6 the ballot in an unsealed envelope furnished by the clerk. The envelope shall have
7 the name, official title and post-office address of the clerk upon its face. The other
8 side of the envelope shall have a printed certificate which shall include a space for
9 the municipal clerk or deputy clerk to enter his or her initials indicating that if the
10 absentee elector voted in person under s. 6.86 (1) (ar), the elector presented proof of
11 identification to the clerk and the clerk verified the proof presented. The certificate
12 shall also include a space for the municipal clerk or deputy clerk to enter his or her
13 initials indicating that the elector is exempt from providing proof of identification
14 because the individual is a military or overseas elector or is exempted from providing
15 proof of identification under sub. (4) (b) 2. or 3. The certificate shall be in
16 substantially the following form:

17 [STATE OF

18 County of]

19 or

20 [(name of foreign country and city or other jurisdictional unit)]

21 I,, certify subject to the penalties of s. 12.60 (1) (b), Wis. Stats., for false
22 statements, that I am a resident of the [.... ward of the] (town) (village) of, or of
23 the aldermanic district in the city of, residing at* in said city, the county
24 of, state of Wisconsin, and am entitled to vote in the (ward) (election district) at
25 the election to be held on; that I am not voting at any other location in this election;

BILL

1 that I am unable or unwilling to appear at the polling place in the (ward) (election
2 district) on election day or have changed my residence within the state from one ward
3 or election district to another later than 28 days before the election. I certify that I
4 exhibited the enclosed ballot unmarked to the witness, that I then in (his) (her)
5 presence and in the presence of no other person marked the ballot and enclosed and
6 sealed the same in this envelope in such a manner that no one but myself and any
7 person rendering assistance under s. 6.87 (5), Wis. Stats., if I requested assistance,
8 could know how I voted.

9 Signed

10 Identification serial number, if any:

11 The witness shall execute the following:

12 I, the undersigned witness, subject to the penalties of s. 12.60 (1) (b), Wis.
13 Stats., for false statements, certify that I am an adult U.S. citizen and that the above
14 statements are true and the voting procedure was executed as there stated. I am not
15 a candidate for any office on the enclosed ballot (except in the case of an incumbent
16 municipal clerk). I did not solicit or advise the elector to vote for or against any
17 candidate or measure.

18(Name)

19(Address)**

20 * — An elector who provides an identification serial number issued under s.
21 6.47 (3), Wis. Stats., need not provide a street address.

22 ** — If this form is executed before 2 special voting deputies under s. 6.875 (6),
23 Wis. Stats., both deputies shall witness and sign

24 **SECTION 6.** 6.87 (4) (a) of the statutes, as created by 2011 Wisconsin Act 23, is
25 repealed.

BILL

SECTION 7

1 ~~SECTION 6. 6.87 (4) (b) 1. of the statutes, as affected by 2011 Wisconsin Act 23,~~
2 ~~is renumbered 6.87 (4) and amended to read:~~

3 6.87 (4) Except as otherwise provided in s. 6.875, the elector voting absentee
4 shall make and subscribe to the certification before one witness who is an adult U.S.
5 citizen. The absent elector, in the presence of the witness, shall mark the ballot in
6 a manner that will not disclose how the elector's vote is cast. The elector shall then,
7 still in the presence of the witness, fold the ballots so each is separate and so that the
8 elector conceals the markings thereon and deposit them in the proper envelope. If
9 a consolidated ballot under s. 5.655 is used, the elector shall fold the ballot so that
10 the elector conceals the markings thereon and deposit the ballot in the proper
11 envelope. ~~Except as authorized in subds. 2. to 5. and s. 6.875 (6) and notwithstanding~~
12 ~~s. 343.43 (1) (f), if the elector has not enclosed a copy of his or her proof of~~
13 ~~identification with his or her application, the elector shall enclose a copy of the proof~~
14 ~~of identification in the manner provided in sub. (1) in the envelope, unless the elector~~
15 ~~is a military elector or an overseas elector or the elector has a confidential listing~~
16 ~~under s. 6.47 (2). If proof of residence under s. 6.34 is required and the document~~
17 ~~enclosed by the elector under this subdivision does not constitute proof of residence~~
18 ~~under s. 6.34~~ If proof of residence is required, the elector shall also enclose proof of
19 residence under s. 6.34 in the envelope. Proof of residence is required if the elector
20 is not a military elector or an overseas elector, as defined in s. 6.34 (1), and the elector
21 registered by mail and has not voted in an election in this state. If the elector
22 requested a ballot by means of facsimile transmission or electronic mail under s. 6.86
23 (1) (ac), the elector shall enclose in the envelope a copy of the request which bears an
24 original signature of the elector. The elector may receive assistance under sub. (5).
25 The return envelope shall then be sealed. The witness may not be a candidate. The

BILL

1 envelope shall be mailed by the elector, or delivered in person, to the municipal clerk
2 issuing the ballot or ballots. If the envelope is mailed from a location outside the
3 United States, the elector shall affix sufficient postage unless the ballot qualifies for
4 delivery free of postage under federal law. Failure to return an unused ballot in a
5 primary does not invalidate the ballot on which the elector's votes are cast. Return
6 of more than one marked ballot in a primary or return of a ballot prepared under s.
7 5.655 or a ballot used with an electronic voting system in a primary which is marked
8 for candidates of more than one party invalidates all votes cast by the elector for
9 candidates in the primary.

10 SECTION 8. 6.87 (4) (b) 2. to 5. of the statutes, ~~as created by 2011 Wisconsin Act~~
11 ~~23~~, are repealed.

12 SECTION 9. 6.875 (6) (c) 1. of the statutes, ~~as affected by 2011 Wisconsin Act 23~~
13 is amended to read: *Ins 9-13*

14 6.875 (6) (c) 1. Upon their visit to the home, facility, or complex under par. (a),
15 the deputies shall personally offer each elector who has filed a proper application for
16 an absentee ballot the opportunity to cast his or her absentee ballot. ~~In lieu of~~
17 ~~providing a copy of proof of identification under s. 6.87 (4) (b) 1. with his or her~~
18 ~~absentee ballot, the elector may submit with his or her ballot a statement signed by~~
19 ~~both deputies that contains the name and address of the elector and verifies that the~~
20 ~~name and address are correct. The deputies shall enclose the statement in the~~
21 ~~certificate envelope. If an elector presents proof of identification under s. 6.87 (4) (b)~~
22 ~~1., the deputies shall make a copy of the document presented by the elector and shall~~
23 ~~enclose the copy in the certificate envelope. No elector who votes at the home, facility,~~
24 ~~or complex with the assistance of the deputies is required to present proof of~~
25 identification. If an elector is present who has not filed a proper application for an

BILL**SECTION 9**

1 absentee ballot, the 2 deputies may accept an application from the elector and shall
2 issue a ballot to the elector if the elector is qualified, ~~the elector presents proof of~~
3 ~~identification, whenever required, or submits a statement containing his or her~~
4 ~~name and address under this subdivision,~~ and the application is proper. The
5 deputies shall each witness the certification and may, upon request of the elector,
6 assist the elector in marking the elector's ballot. All voting shall be conducted in the
7 presence of the deputies. Upon request of the elector, a relative of the elector who
8 is present in the room may assist the elector in marking the elector's ballot. No
9 individual other than a deputy may witness the certification and no individual other
10 than a deputy or relative of an elector may render voting assistance to the elector.

11 **SECTION 10.** 6.88 (3) (a) of the statutes, ~~as affected by 2011 Wisconsin Act 23,~~
12 is amended to read:

13 **6.88 (3) (a)** ~~Except in municipalities where absentee ballots are canvassed~~
14 ~~under s. 7.52, at any time between the opening and closing of the polls on election day,~~
15 ~~the inspectors shall, in the same room where votes are being cast, in such a manner~~
16 ~~that members of the public can hear and see the procedures, open the carrier~~
17 ~~envelope only, and announce the name of the absent elector or the identification~~
18 ~~serial number of the absent elector if the elector has a confidential listing under s.~~
19 ~~6.47 (2). When the inspectors find that the certification has been properly executed,~~
20 ~~the applicant is a qualified elector of the ward or election district, and the applicant~~
21 ~~has not voted in the election, they shall enter an indication on the poll list next to the~~
22 ~~applicant's name indicating an absentee ballot is cast by the elector. They shall then~~
23 ~~open the envelope containing the ballot in a manner so as not to deface or destroy the~~
24 ~~certification thereon. The inspectors shall take out the ballot without unfolding it~~
25 ~~or permitting it to be unfolded or examined. Unless the ballot is cast under s. 6.95,~~

BILL

the inspectors shall verify that the ballot has been endorsed by the issuing clerk. If the poll list indicates that proof of residence under s. 6.34 is required and no proof of residence is enclosed or the name or address on the document that is provided is not the same as the name and address shown on the poll list, or if the elector is not a military elector, as defined in s. 6.34 (1) (a), or an overseas elector, as defined in s. 6.34 (1) (b), and the elector is required to provide a copy of proof of identification under s. 6.87 (4) (b) 1. and no copy of the proof of identification is enclosed or the name on the document cannot be verified by the inspectors, the inspectors shall proceed as provided under s. 6.97 (2). The inspectors shall then deposit the ballot into the proper ballot box and enter the absent elector's name or voting number after his or her name on the poll list in the same manner as if the elector had been present and voted in person.

SECTION 11. 6.965 of the statutes, ~~as created by 2011 Wisconsin Act 23~~, is amended to read:

6.965 Voting procedure for electors presenting citation or notice in lieu of license or receipt. Whenever any elector is allowed to vote at a polling place under s. 6.79 (7) by presenting a citation or notice of intent to revoke or suspend an operator's license in lieu of an operator's license or driving receipt issued to the elector under ch. 343, the inspectors shall, before giving the elector a ballot, write on the back of the ballot the serial number of the elector corresponding to the number kept at the election on the poll list or other list maintained under s. 6.79 and the notation "s. 6.965." If voting machines are used in the municipality where the elector is voting, the elector's vote may be received only upon an absentee ballot furnished by the municipal clerk which shall have the notation "s. 6.965" written on the back of the ballot by the inspectors before the ballot is given to the elector. ~~If the municipal~~

BILL**SECTION 11**

1 clerk receives an absentee ballot from an elector who presents a citation or notice,
2 or copy thereof, under s. 6.87 (4) (b) 4., the clerk shall enter a notation on the
3 certificate envelope "Ballot under s. 6.965, stats." Upon receiving the envelope, the
4 inspectors shall open and write on the back of the ballot the serial number of the
5 elector corresponding to the number kept at the election on the poll list or other list
6 maintained under s. 6.79 and the notation "s. 6.965." The inspectors shall indicate
7 on the poll list or other list maintained under s. 6.79 the fact that the elector is voting
8 by using a citation or notice in lieu of a license or driving receipt. The inspectors shall
9 then deposit the ballot. The ballot shall then be counted under s. 5.85, or under s.
10 7.51 or 7.52.

227 11 **SECTION 12.** 6.97 (2) of the statutes, ~~as affected by 2011 Wisconsin Act 23,~~ is

12 amended to read:

13 6.97 (2) Whenever any individual who votes by absentee ballot is required to
14 provide proof of residence in order to be permitted to vote and does not provide the
15 required proof of residence under s. 6.34, the inspectors shall treat the ballot as a
16 provisional ballot under this section. Whenever any individual, other than a military
17 elector, as defined in s. 6.34 (1) (a), or an overseas elector, as defined in s. 6.34 (1) (b),
18 an individual who has a confidential listing under s. 6.47 (2), or an individual who
19 is exempted under s. 6.87 (4) or s. 6.875 (6), votes by absentee ballot and does not
20 enclose a copy of the proof of identification under s. 6.87 (4) (b) 1., the inspectors shall
21 similarly treat the ballot as a provisional ballot under this section. Upon removing
22 the ballot from the envelope, the inspectors shall write on the back of the ballot the
23 serial number of the individual corresponding to the number kept at the election on
24 the poll list or other list maintained under s. 6.79 and the notation "s. 6.97". The
25 inspectors shall indicate on the list the fact that the individual is required to provide

BILL

1 proof of residence ~~or to provide, or provide a copy of, proof of identification as required~~
2 ~~under s. 6.87 (4) (b) 1.~~ but did not do so. The inspectors shall promptly notify the
3 municipal clerk or executive director of the municipal board of election
4 commissioners of the name, address, and serial number of the individual. The
5 inspectors shall then place the ballot inside an envelope on which the name and
6 serial number of the elector is entered and shall place the envelope in a separate
7 carrier envelope.

8 **SECTION 13.** 6.97 (3) (a) of the statutes, ~~as created by 2011 Wisconsin Act 23,~~

9 is amended to read:

10 6.97 (3) (a) Whenever ~~an elector who votes by provisional ballot under sub. (1)~~
11 ~~or (2) because the elector does not provide proof of identification or a copy thereof~~
12 ~~under s. 6.79 (2), or 6.86 (1) (ar), or 6.87 (4) (b) 1.~~ later appears at the polling place
13 where the ballot is cast before the closing hour and provides the proof of identification
14 ~~or a copy thereof,~~ the inspectors shall remove the elector's ballot from the separate
15 carrier envelope, shall note on the poll list that the elector's provisional ballot is
16 withdrawn, and shall deposit the elector's ballot in the ballot box. If the inspectors
17 have notified the municipal clerk or executive director of the board of election
18 commissioners that the elector's ballot was cast under this section, the inspectors
19 shall notify the clerk or executive director that the elector's provisional ballot is
20 withdrawn.

21 **SECTION 14.** 6.97 (3) (b) of the statutes, ~~as affected by 2011 Wisconsin Act 23,~~

22 is amended to read:

23 6.97 (3) (b) Whenever the municipal clerk or executive director of the municipal
24 board of election commissioners is informed by the inspectors that a ballot has been
25 cast under this section, the clerk or executive director shall promptly provide written

BILL**SECTION 14**

1 notice to the board of canvassers of each municipality, special purpose district, and
2 county that is responsible for canvassing the election of the number of ballots cast
3 under this section in each ward or election district. The municipal clerk or executive
4 director then shall determine whether each individual voting under this section is
5 qualified to vote in the ward or election district where the individual's ballot is cast.
6 If the elector is required to provide proof of identification ~~or a copy thereof~~ under s.
7 6.79 (2), or 6.86 (1) (ar), ~~or 6.87 (4) (b) 1.~~ and fails to do so, the elector bears the burden
8 of correcting the omission by providing the proof of identification ~~or copy thereof~~ at
9 the polling place before the closing hour or at the office of the municipal clerk or board
10 of election commissioners no later than 4 p.m. on the Friday after the election. The
11 municipal clerk or executive director shall make a record of the procedure used to
12 determine the validity of each ballot cast under this section. If, prior to 4 p.m. on the
13 Friday after the election, the municipal clerk or executive director determines that
14 the individual is qualified to vote in the ward or election district where the
15 individual's ballot is cast, the municipal clerk or executive director shall notify the
16 board of canvassers for each municipality, special purpose district and county that
17 is responsible for canvassing the election of that fact.

18 **SECTION 15.** 6.97 (3) (c) of the statutes, ~~as created by 2011 Wisconsin Act 23,~~
19 is amended to read:

20 6.97 (3) (c) A ballot cast under this section by an elector for whom proof of
21 identification ~~or a copy thereof~~ is required under s. 6.79 (2), or 6.86 (1) (ar), ~~or 6.87~~
22 ~~(4) (b) 1.~~ shall not be counted unless the municipal clerk or executive director of the
23 board of election commissioners provides timely notification that the elector has
24 provided proof of identification ~~or a copy thereof~~ under this section. 11,

BILL

Page 5, line 5: after that line insert:
1 SECTION 16. 7.08 (12) of the statutes, ~~as created by 2011 Wisconsin Act 23,~~
2 amended to read:
SM (13)

3 7.08 (12) ASSISTANCE IN OBTAINING PROOF OF IDENTIFICATION. Engage in outreach
4 to identify and contact groups of electors who may need assistance in obtaining or
5 renewing a document that constitutes proof of identification for voting under s. 6.79
6 (2) (a), or 6.86 (1) (ar), ~~or 6.87 (4) (b) 1.,~~ and provide assistance to the electors in
7 obtaining or renewing that document.

Page 5, line 10: after that line insert:
8 SECTION 17. 7.52 (3) (a) of the statutes, ~~as affected by 2011 Wisconsin Act 23,~~
9 is amended to read:
CM

10 7.52 (3) (a) The board of absentee ballot canvassers shall first open the carrier
11 envelope only, and, in such a manner that a member of the public, if he or she desired,
12 could hear, announce the name of the absent elector or the identification serial
13 number of the absent elector if the elector has a confidential listing under s. 6.47 (2).
14 When the board of absentee ballot canvassers finds that the certification has been
15 properly executed and the applicant is a qualified elector of the ward or election
16 district, the board of absentee ballot canvassers shall enter an indication on the poll
17 list next to the applicant's name indicating an absentee ballot is cast by the elector.
18 The board of absentee ballot canvassers shall then open the envelope containing the
19 ballot in a manner so as not to deface or destroy the certification thereon. The board
20 of absentee ballot canvassers shall take out the ballot without unfolding it or
21 permitting it to be unfolded or examined. Unless the ballot is cast under s. 6.95, the
22 board of absentee ballot canvassers shall verify that the ballot has been endorsed by
23 the issuing clerk. If the poll list indicates that proof of residence is required and no
24 proof of residence is enclosed ~~or the name or address on the document that is provided~~
25 is not the same as the name and address shown on the poll list, ~~or if the elector is not~~

BILL**SECTION 17**

1 ~~a military elector, as defined in s. 6.34 (1) (a), or an overseas elector, as defined in s.~~
2 ~~6.34 (1) (b), and the elector is required to provide, or to provide a copy of, proof of~~
3 ~~identification under s. 6.87 (4) (b) 1. and no copy of the proof of identification is~~
4 ~~enclosed or the name on the document cannot be verified by the canvassers, the board~~
5 ~~of absentee ballot canvassers shall proceed as provided under s. 6.97 (2). The board~~
6 ~~of absentee ballot canvassers shall mark the poll list number of each elector who~~
7 ~~casts an absentee ballot on the back of the elector's ballot. The board of absentee~~
8 ~~ballot canvassers shall then deposit the ballot into the proper ballot box and enter~~
9 ~~the absent elector's name or poll list number after his or her name on the poll list.~~

10 ~~SECTION 18. 2011 Wisconsin Act 23, section 144 (2) is amended to read:~~

11 [2011 Wisconsin Act 23] SECTION 144 (2) SPECIAL PROCEDURE AT ELECTIONS HELD
12 PRIOR TO 2012 SPRING PRIMARY. Notwithstanding sections 6.15 (3), 6.18, 6.79 (2) (a), 6.82
13 (1) (a), 6.86 (1) (ar) and (3) (a) 1., 6.87 (1), (2), and (4) (b) 1., and 6.97 (1), (2), and (3)
14 (b) of the statutes, as affected by this act, and sections 6.15 (2) (bm) and 6.97 (3) (a)
15 and (c) of the statutes, as created by this act, no elector who votes by absentee ballot
16 at an election held prior to the 2012 spring primary is required to provide proof of
17 identification, and an elector who votes at a polling place at an election held prior to
18 the date of the 2012 spring primary shall be requested by the election officials to
19 present proof of identification, but if the elector does not present proof of
20 identification, and the elector is otherwise qualified, the elector's ballot shall be
21 counted without the necessity of presenting proof of identification and without the
22 necessity of casting a provisional ballot. If any elector who votes at a polling place
23 at such an election does not provide proof of identification and would be required to
24 provide proof of identification but for the exemption under this subsection, the
25 election official who provides that elector with a ballot shall also provide to the elector

ASSEMBLY BILL 493

1 SECTION 5. 7.08 (1) (c) of the statutes is amended to read:

2 7.08 (1) (c) Prescribe forms required by ss. 6.24 (3) and (4), 6.30 (4), 6.33 (1),
3 6.40 (1) (a), 6.47 (1) (am) 2. and (3), 6.55 (2), 6.79 (3) (c) 2., and 6.86 (2) to (3). All such
4 forms shall contain a statement of the penalty applicable to false or fraudulent
5 registration or voting through use of the form. Forms are not required to be furnished
6 by the board.

7 **SECTION 6.** 7.51 (2) (cm) of the statutes is created to read:

7.51 (2) (cm) The board of canvassers may review the validity of any ballot submitted with a statement under s. 6.79 (3) (c) 2. in the same manner as provided for challenged ballots under s. 6.95.

11 **SECTION 7. Initial applicability.**

(1) The treatment of section 5.02 (6m) (g) of the statutes first applies with respect to voting at the first election to be held following the effective date of this subsection for which declarations of candidacy are due for filing on or after the effective date of this subsection.

(2) The treatment of sections 6.79 (2) (a) and (3) (c), 6.82 (1) (a), 7.08 (1) (c), and 7.51 (2) (cm) of the statutes first applies with respect to proof of identification required for elections held on the 60th day beginning after the effective date of this subsection.

20 (END)

BILL

1 written information prescribed by the government accountability board briefly
 2 describing the voter identification requirement created by this act and informing the
 3 elector that he or she will be required to comply with that requirement when voting
 4 at future elections beginning with the 2012 spring primary unless an exemption
 5 applies.

SECTION 19. Initial applicability.

7 (1) This act first applies with respect to the first spring primary, spring election,
 8 September primary, or general election that follows the effective date of this
 9 subsection by at least 60 days.

10

(END)

— # Page 5, line 16: after "sections" insert "6.15, "
 — # Page 5, line 16: after "(1) (a)," insert "6.86
 (3)(a)1., 6.869, 6.87(1), (2), and (4)(a), (b) 1. to 5.,
 6.875 (6)(c)1., 6.88 (3)(a), 6.965, 6.97(2)1.,
 and (3)(a) to (c), "

Page 5, line 16: after "cd" insert "and (13) "

Page 5, line 16: delete "and "

Page 5, line 17: after "ccm)" insert "and
 7.52 (3)(a) "

(end)

2-311

~~Section #: 6.18 of the statutes is amended to read:~~

6.18 Former residents. If ineligible to qualify as an elector in the state to which the elector has moved, any former qualified Wisconsin elector may vote an absentee ballot in the ward of the elector's prior residence in any presidential election occurring within 24 months after leaving Wisconsin by requesting an application form and returning it, properly executed, to the municipal clerk of the elector's prior Wisconsin residence. When requesting an application form for an absentee ballot, the applicant shall specify the applicant's eligibility for only the presidential ballot. ~~Unless the applicant is exempted from providing proof of identification under s. 6.87 (4) (b) 2. or 3., or the applicant is a military or overseas elector, the elector shall enclose a copy of his or her proof of identification or any authorized substitute document with his or her application. The municipal clerk shall verify that the name on the proof of identification conforms to the name on the application. The clerk shall not issue a ballot to an elector who is required to enclose a copy of proof of identification or an authorized substitute document with his or her application unless the copy is enclosed and the proof is verified by the clerk. The application form shall require the following information and be in substantially the following form:~~

This form shall be returned to the municipal clerk's office. Application must be received in sufficient time for ballots to be mailed and returned prior to any presidential election at which applicant wishes to vote. Complete all statements in full.

APPLICATION FOR PRESIDENTIAL

ELECTOR'S ABSENTEE BALLOT

(To be voted at the Presidential Election

on November, (year)

I, hereby swear or affirm that I am a citizen of the United States, formerly residing at in the ward aldermanic district (city, town, village) of, County of for 28 consecutive

2-3:2

days prior to leaving the State of Wisconsin. I, do solemnly swear or affirm that I do not qualify to register or vote under the laws of the State of(State you now reside in) where I am presently residing. A citizen must be a resident of: State(Insert time) County(Insert time) City, Town or Village(Insert time), in order to be eligible to register or vote therein. I further swear or affirm that my legal residence was established in the State of(the State where you now reside) on Month Day Year.

Signed

Address(Present address)

....(City)(State)

Subscribed and sworn to before me this day of (year)

....(Notary Public, or other officer authorized to administer oaths.)

....(County)

My Commission expires

MAIL BALLOT TO:

NAME

ADDRESS

CITY STATE ZIP CODE

Penalties for Violations. Whoever swears falsely to any absent elector affidavit under this section may be fined not more than \$1,000 or imprisoned for not more than 6 months or both. Whoever intentionally votes more than once in an election may be fined not more than \$10,000 or imprisoned for not more than 3 years and 6 months or both.

....(Municipal Clerk)

2-313

....(Municipality) 11 ②

~~History: 1971 c. 304 s. 29 (1), (2); 1975 c. 85 ss. 9, 66 (3); 1991 a. 316; 1997 a. 250; 2001 a. 107, 109; 2003 a. 321, 327; 2011 a. 23, 227.~~

~~Section #. 6.86 (3) (a) 1. of the statutes is amended to read:~~

4-10

6.86 (3) (a) 1. Any elector who is registered and who is hospitalized, may apply for and obtain an official ballot by agent. The agent may apply for and obtain a ballot for the hospitalized absent elector by presenting a form prescribed by the board and containing the required information supplied by the hospitalized elector and signed by that elector, unless the elector is unable to sign due to physical disability. In this case, the elector may authorize another elector to sign on his or her behalf. Any elector signing an application on another elector's behalf shall attest to a statement that the application is made on request and by authorization of the named elector, who is unable to sign the application due to physical disability. ~~The agent shall present this statement along with all other information required under this subdivision. Except as authorized for an elector who has a confidential listing under s. 6.47 (2) or as authorized under s. 6.87 (4) (b) 4., the agent shall present any proof of identification required under sub. (1) (ar). The form shall include a space for the municipal clerk or deputy clerk to enter his or her initials indicating that the agent presented proof of identification to the clerk on behalf of the elector.~~

History: 1975 c. 85 ss. 37, 38, 65; 1975 c. 90, 199, 200, 275, 422; 1977 c. 394 ss. 14, 40, 41; 1979 c. 232, 311; 1981 c. 391; 1983 a. 183, 484; 1985 a. 304 ss. 69, 156; 1987 a. 391; 1995 a. 313; 1999 a. 182; 2001 a. 51; 2003 a. 265; 2005 a. 451; 2011 a. 23, 75, 115, 227.

~~Section #. 6.869 of the statutes is amended to read:~~

S-4

6.869 Uniform instructions. The board shall prescribe uniform instructions for municipalities to provide to absentee electors. The instructions shall include the specific means of electronic communication that an absentee elector may use to file an application for an absentee ballot and, if the absentee elector is required to register, to request a registration form or change his or her registration. ~~The instructions shall include information concerning whether proof of identification is required to be presented or enclosed.~~ The instructions shall also include information concerning the procedure for correcting errors in marking a ballot and obtaining a replacement for a spoiled ballot. The procedure shall, to the extent possible, respect the privacy of each elector and preserve the confidentiality of each elector's vote.

~~History: 2003 a. 265; 2011 a. 23, 75, 227.~~

~~Section #. 6.87 (1) of the statutes is amended to read:~~

Ins 5-15

6.87 (1) Upon proper request made within the period prescribed in s. 6.86, the municipal clerk or a deputy clerk authorized by the municipal clerk shall write on the official ballot, in the space for official endorsement, the clerk's initials and official title. ~~Unless application is made in person under s. 6.86 (1) (a), the absent elector is exempted from providing proof of identification under sub. (4) (b) 2. or 3., or the applicant is a military or overseas elector, the absent elector shall enclose a copy of his or her proof of identification or any authorized substitute document with his or her application. The municipal clerk shall verify that the name on the proof of identification conforms to the name on the application. The clerk shall not issue an absentee ballot to an elector who is required to enclose a copy of proof of identification or an authorized substitute document with his or her application unless the copy is enclosed and the proof is verified by the clerk.~~

History: 1971 c. 242; 1971 c. 304 s. 29 (1), (2); 1975 c. 85; 1975 c. 93 s. 119 (2); 1975 c. 199; 1977 c. 394; 1979 c. 232, 260, 311, 355; 1983 a. 36, 484, 538; 1985 a. 304; 1991 a. 316; 1999 a. 49, 182; 2001 a. 16, 38, 109; 2003 a. 265; 2005 a. 451; 2011 a. 23, 75, 227.

Section #. 6.87 (2) of the statutes is amended to read:

Ins 6-5

6.87 (2) Except as authorized under sub. (3) (d), the municipal clerk shall place the ballot in an unsealed envelope furnished by the clerk. The envelope shall have the name, official title and post-office address of the clerk upon its face. The other side of the envelope shall have a printed certificate which shall include a space for the municipal clerk or deputy clerk to enter his or her initials indicating that if the absentee elector voted in person under s. 6.86 (1) (ar), the elector presented proof of identification to the clerk and the clerk verified the proof presented. The certificate shall also include a space for the municipal clerk or deputy clerk to enter his or her initials indicating that the elector is exempt from providing proof of identification because the individual is a military or overseas elector ~~or is exempted from providing proof of identification under sub. (4) (b) 2. or 3.~~ The certificate shall be in substantially the following form:

[STATE OF

County of]

or

[(name of foreign country and city or other jurisdictional unit)]

I,, certify subject to the penalties of 12.60 (1) (b) 12., Wis. Stats., for false statements, that I am a resident of the [.... ward of the] (town) (village) of, or of the aldermanic district in the city of, residing at* in said city, the county of, state of Wisconsin, and am entitled to vote in the (ward) (election district) at the election to be held on; that I am not voting at any other location in this election; that I am unable or unwilling to appear at the polling place in the (ward) (election district) on election day or have changed my residence within the state from one ward or election district to another later than 28 days before the election. I certify that I exhibited the enclosed ballot unmarked to the witness, that I then in (his) (her) presence and in the presence of no other person marked the ballot and enclosed and sealed the same in this

envelope in such a manner that no one but myself and any person rendering assistance under s. 6.87 (5), Wis. Stats., if I requested assistance, could know how I voted.

Signed

Identification serial number, if any:

The witness shall execute the following:

I, the undersigned witness, subject to the penalties of 12.60 (1) (b) 12., Wis. Stats., for false statements, certify that I am an adult U.S. citizen and that the above statements are true and the voting procedure was executed as there stated. I am not a candidate for any office on the enclosed ballot (except in the case of an incumbent municipal clerk). I did not solicit or advise the elector to vote for or against any candidate or measure.

....(Name)

....(Address)**

* — An elector who provides an identification serial number issued under 6.47 (3) 6., Wis. Stats., need not provide a street address.

** — If this form is executed before 2 special voting deputies under 6.875 (6) 6., Wis. Stats., both deputies shall witness and sign.

History: 1971 c. 242; 1971 c. 304 s. 29 (1), (2); 1975 c. 85; 1975 c. 93 s. 119 (2); 1975 c. 199; 1977 c. 394; 1979 c. 232, 260, 311, 355; 1983 a. 36, 484, 538; 1985 a. 304; 1991 a. 316; 1999 a. 49, 182; 2001 a. 16, 38, 109; 2003 a. 265; 2005 a. 451; 2011 a. 23, 75, 227.

Section #. 6.875 (6) (c) 1. of the statutes is amended to read:

Ins 9-13

6.875 (6) (c) 1. Upon their visit to the home, facility, or complex under par. (a), the deputies shall personally offer each elector who has filed a proper application for an absentee ballot the opportunity to cast his or her absentee ballot. ~~In lieu of providing a copy of proof of identification under s. 6.87 (4) (b) 1. with his or her absentee ballot, the elector may submit with his or her ballot a statement signed by both deputies that contains the name and address of the elector and verifies that the name and address are correct. The deputies shall enclose the statement in the certificate envelope. If an elector presents proof of identification under s. 6.87 (4) (b) 1., the deputies shall make a copy of the document presented by the elector and shall enclose the copy in the certificate envelope.~~ If an elector is present who has not filed a proper application for an absentee ballot, the 2 deputies may accept an application from the elector and shall issue a ballot to the elector if the elector is qualified, ~~the elector presents proof of identification, whenever required, or submits a statement containing his or her name and address under this subdivision,~~ and the application is proper. The deputies shall each witness the certification and may, upon request of the elector, assist the elector in marking the elector's ballot. All voting shall be conducted in the presence of the deputies. Upon request of the elector, a relative of the elector who is present in the room may assist the elector in marking the elector's ballot. No individual other than a deputy may witness the certification and no individual other than a deputy or relative of an elector may render voting assistance to the elector.

History: 1985 a. 304; 1987 a. 391; 1989 a. 192; 1997 a. 127, 188, 237; 1999 a. 32, 182; 2001 a. 16, 109; 2005 a. 149, 451; 2007 a. 96; 2011 a. 23, 75.

No elector who votes at the home, facility, or complex with the assistance of the deputies is required to present proof of identification.

~~Section #. 6.97 (2) of the statutes is amended to read:~~

12-12

6.97 (2) Whenever any individual who votes by absentee ballot is required to provide proof of residence in order to be permitted to vote and does not provide the required proof of residence under s. 6.34, ~~the inspectors shall treat the ballot as a provisional ballot under this section. Upon removing the ballot from the envelope, the~~ inspectors shall write on the back of the ballot the serial number of the individual corresponding to the number kept at the election on the poll list or other list maintained under s. 6.79 and the notation "s. 6.97". The inspectors shall indicate on the list the fact that the individual is required to provide proof of residence but did not do so. The inspectors shall promptly notify the municipal clerk or executive director of the municipal board of election commissioners of the name, address, and serial number of the individual. The inspectors shall then place the ballot inside an envelope on which the name and serial number of the elector is entered and shall place the envelope in a separate carrier envelope.

~~History: 2003 a. 265; 2005 a. 253, 451; 2009 a. 180; 2011 a. 23, 115, 227.~~